

REMARKS

The examiner is thanked for conducting a telephonic interview with Applicant's representative on May 6, 2008 to discuss the objection to the specification in the Office Action. Additionally, the Examiner is thanked for indicating claims 31-40 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

1. Applicant's claims and the claims of U.S. Patent No. 7,023,114 to Takagi et al.

As previously submitted, it should be noted that claims 30 and 32 of the presently claimed invention are claims 2 and 6 of U.S. Patent No. 7,023,114 to Takagi et al. and have been examined and allowed by the U.S. Patent and Trademark Office. Similarly, claims 38 and 40 recite subject matter substantially identical to that of claims 30 and 32 and are likewise believed to be in proper condition for allowance.

Further, it is to be noted that claims 29-34 of the present invention are identical to claims 1, 2, 4, 6, 7 and 18 of U.S. Patent No. 7,023,114 to Takagi et al. issued by the U.S. Patent and Trademark Office.

2. Amendment to the Drawings

Figs. 3(a) and 4(a) have been amended, as shown in the Replacement Sheets attached herewith, to include attachment faces 33e and leg connecting part 33d. No new matter has been added. Approval and entry of the amendments are respectfully requested.

3. Objection to the Specification

With respect to the objection to the specification, Applicant has amended the specification to clarify that the terminal blade mount 5 is also an end cap in at least one embodiment of the present invention. As shown in Figs. 1(a)-(b) and 2, for example, the

terminal blade mount 5 is disposed at one end of the external housing case 3 of motor 1. By such an arrangement, the terminal blade mount 5 is also an end cap for the external housing case 3 of the motor. Approval and entry of the amendments are respectfully requested.

With respect claims 32 and 38, the embodiment of each of the claims includes an attachment means (i.e., holder 33 shown in Fig. 4a) having a pair of legs (e.g., extensions 33a shown in Fig. 3a) straddling the motor case in its thickness direction. According to amended Fig. 4a, attachment means 33 has a leg connecting part, which is now labeled as 33d, connecting the pair of legs straddling the motor case in its thickness direction. Further, the attachment means 33 has a pair of attachment faces 33e, as shown in amended Fig. 3a. The pair of attachment faces actually rests on a surface of a circuit board 50, as shown in Fig. 3a, for example.

In addition to the remarks above, Applicant respectfully submits that, according to MPEP 2163.07, amendments to an application which are supported in the original description are not new matter. Clearly, at least the original drawings support all of the claimed features and the amended features in the specification.

4. Rejection under 35 U.S.C. §102(b)

With respect to the rejection of claims 29 and 35 under 35 U.S.C. §102(a/e) as being anticipated by Sei et al. (US 6,542,381 – hereinafter Sei), Applicant respectfully traverses the rejection at least for the reason that Sei fails to describe each and every limitation recited in the rejected claims.

In the rejection the Examiner contends that Applicant's attachment means is equivalent to shock absorber 8 of Sei, and that the pair of attachment faces (i.e., element 33e of amended Fig. 3a of the present application) is equivalent to the "tabs" extending from either side of the shock absorber 8 of Sei. However, as correctly pointed out by the Examiner, Sei also requires a holder 26 that is integrally formed with a shield case 22 and a vibrator-attaching base 20, wherein a vibrator is force-fit into the holder 26 of Sei.

In addition to the Examiner's observation, Applicant respectfully notes that Sei further shows that the tabs extending from the sides of the shock absorber 8 align with corresponding vertically elongated openings (not numbered) formed in the walls of the holder. That is, the tabs are keyed into the holder's elongated openings, and the holder 26 elevates the shock absorber 8 and its vibrator above the base 20. As such, an underside of the tabs of the shock absorber 8 never contact a surface of the base 20 or the shield case 22. Hence, the tabs of the shock absorber 8 of Sei cannot be construed as supporting a motor body in a horizontal prone posture at one surface of a board, as recited in Applicant's claim 29, for example.

Applicant respectfully asserts that the tabs of the shock absorber 8 of Sei are different functionally and structurally than Applicant's attachment means and its pair of attachment surfaces, and that there are no attachment faces in Sei as alleged by the Examiner.

In contrast with Sei, Applicant's claimed invention does not require a holder similar to the holder 26 of Sei. Applicant's invention, as recited in claim 26, for example, simply includes the attachment means, which has a pair of attachment faces, for supporting the motor body in a horizontal prone posture at one surface of the board (e.g., circuit board 50 in Fig. 3a). It is clearly indicated by the claimed features and supported by Fig. 3a, for example, that the pair of attachment surfaces (i.e., 33e) of the attachment means (i.e., 33) rest on and in contact with one surface of a board (i.e., 50) so as to support the motor body in a horizontal prone posture.

With respect to claim 35, the arguments set forth above in relation to claim 29 are also applicable. The pair of attachment rails of claim 35 is supported by, e.g., extensions 33a as shown in Fig. 3a.

Consequently, since each and every feature of the present claims is not taught (and is not inherent) in Sei, as is required by MPEP Chapter 2131 in order to establish anticipation, the rejection of claims 29 and 35, under 35 U.S.C. §102(a/e), as anticipated by Sei is improper.

In view of the arguments set forth above, Applicant respectfully requests the Examiner to consider Sei in its entirety as set forth in MPEP 2141.02(VI). Further, Applicant respectfully requests reconsideration and withdrawal of the §102(b) rejection of claims 29 and 35.

5. Rejections under 35 U.S.C. §103(a)

With respect to the rejection of claims 30 and 36 under 35 U.S.C. §103(a) as being unpatentable over Sei, Applicant respectfully traverses the rejection at least for the reason that Sei clearly fails to disclose or remotely suggest those specific features set forth in each of independent claims 29 and 35. Accordingly, in that claims 30 and 36 depend directly from claims 29 and 35 respectively, it is likewise believed that such claims are in proper condition for allowance.

The requirements for establishing a *prima facie* case of obviousness, as detailed in MPEP § 2143 - 2143.03 (pages 2100-122 - 2100-136), are: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference to combine the teachings; second, there must be a reasonable expectation of success; and, finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.

Moreover, according to MPEP §2141(II), when applying 35 U.S.C. §103, the following tenets of patent law must be adhered to:

- (A) The claimed invention must be considered as a whole;
- (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and
- (D) Reasonable expectation of success is the standard with which obviousness is determined.

Applicant respectfully submits that, in relying on Sei in the obviousness rejection, the Examiner fails to follow at least tenets A and B above.

In view of the arguments set forth above, Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejection of claims 30 and 36.

Moreover, it is respectfully submitted that claims 31-34 and 37-39 are likewise allowable and for the reasons discussed hereinabove are in proper formal condition for allowance. Accordingly, it is respectfully requested that these claims again be indicated as being allowable over the prior art of record.

6. Conclusion

In view of the amendments to the specification and drawings, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 29-40 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's representative, the Examiner is invited to contact the undersigned at the numbers shown.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,

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